

**REMARKS**

In the current Office Action, Claim 1 is rejected under U.S.C. 112 2nd paragraph; Claims 1-12, and 15-20 are rejected under 35 U.S.C. §103; and Claims 13-14 are indicated as being allowable. To better describe the present invention Claims 1, 3, 6, 11, 12, and 20 are amended; and Claims 2 and 10 are canceled. Claims 13 and 14 are amended to reflect the Examiner's allowable subject matter; accordingly Applicants respectfully request allowance of Claims 13 and 14, and other pending claims for at least the reasons stated below.

**35 U.S.C. §112**

Claim 1 is amended to delete the word "life." Accordingly, the Examiner is respectfully requested to withdraw his objection to Claim 1 and Claims that depend therefrom under 35 U.S.C. §112.

**35 U.S.C. §103**

In paragraph 4 of the Office Action, the Examiner rejects Claims 1, 2 and Claims 6, 10 under 35 U.S.C. § 103 as being unpatentable over by Wei et al. US 6,152,970 (hereafter Wei) or Farahmandi et al. US 5,862,03 (hereafter Farahmandi) in view of Miller US 4,68,516 (hereafter Miller). Applicants traverse the Examiner's rejection for at least the reasons stated below.

To better describe Applicants' invention, amended independent Claim 1 now recites a glass-to-metal seal between the case and a first terminal, which are

limitations similar to those of canceled Claim 2; and amended independent Claim 6 now recites a glass-to-metal seal between the case and the first terminal, which are limitations similar to those of canceled claim 10. The new limitations reflect Applicants' Specification, which describes interposing a glass seal between a header plate 132 of a case 156, and a first terminal 134 that passes through the header plate 132.

The Examiner has stated in paragraph 4 that Wei or Farahmandi fails to disclose "interposing a glass-to-metal seal between an opening in said case and a first terminal." Applicants concur.

The Examiner states that the missing limitations are well known in the art because Miller discloses most of these features. The Examiner also takes Official Notice that the other missing limitations are well known in the art, they are commonly used on the art to reduce capacitor size.

As far as understood, in the Office Action the Examiner does not address the limitations of a glass-to-metal seal of now canceled claims 2 and 10, which are now recited in claims 1 and 6 as a glass-to-metal seal formed between a case and a first terminal.

The burden is on the Examiner to establish a prima case of obviousness under 35 U.S.C. § 103(a). As per MPEP § 2142, " ... the prior art reference (or references when combined) must teach or suggest **all** the claim limitations."

In contrast to Applicants' claimed invention, Miller teaches in column 5, lines 7-10 a glass-to-metal seal wherein the glass is disposed between a feed-through 18 for a lead 23 and a body 12. In Miller, a glass-to-metal seal is **not**

interposed between the body and the lead (terminal), but rather between the body and the feed-through.

For at least the reasons that the Examiner's rejections or his cited references fail to address or teach all the claimed limitations of Applicants invention, including a glass-to-metal seal between a case (body) and a terminal (lead), the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a) as set forth in MPEP § 2142, and Applicants respectfully request reconsideration and withdrawal of the rejections of independent claims 1 and 6. As well, for at least the same reasons, because other pending dependent claims depend from allowable claims, they also are allowable and Applicants request withdrawal of the rejections against such.

### **Conclusion**

Applicants submit that the foregoing Amendments and response overcome the Examiner's rejections and objections under 35 U.S.C. § 103(a) and §112. Because the cited references and the Examiner's citations do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow indicated allowable subject matter and other pending Claims that the present Application may issue in a timely manner. If there are any questions concerning this Amendment, the Examiner is invited to contact the Applicants' undersigned

representative at the number provided below.

Respectfully submitted,

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10